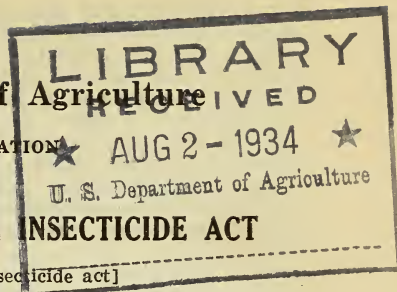


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1296-1311

[Approved by the Acting Secretary of Agriculture, Washington, D.C., July 12, 1934]

1296. Misbranding of Tarolfectant. U. S. v. Sioux Oil Tar Disinfecting Co. Plea of guilty. Fine, \$50. (I. & F. no. 1660. Sample no. 22116-A.)

This case was based on an interstate shipment of a product sold as an insecticide and fungicide, the labeling of which bore unwarranted claims as to its effectiveness as a disinfecting agent, also as to its effectiveness in the control of mange of hogs and in the control of vermin.

On November 15, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sioux Oil Tar Disinfecting Co., a corporation, Sioux City, Iowa, alleging shipment by said company on or about March 4, 1933, from the State of Iowa into the State of Minnesota, of a quantity of Tarolfectant which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the statements, "For * * * Disinfecting Chicken Coops * * * Disinfecting for all Germs * * * For Disinfecting Chicken Houses and Brooder Houses and Places where Chickens Roost. Apply Tarolfectant to the walls, ceiling, floors and roosts until they are completely covered as with paint or white wash, * * * For mangy, scurvy * * * hogs * * * for scurvy Mangy * * * Hogs, * * * For all * * * vermin", borne on the label of the drum containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article was a disinfectant and would disinfect chicken coops, chicken houses, brooder houses, places where chickens roost, walls, ceilings and floors; that the article, when used as directed, would be effective against all varieties of mange that infest hogs, and would be effective against all vermin; whereas it was not a disinfectant, would not disinfect chicken coops, chicken houses, brooder houses, places where chickens roost, walls, ceiling and floors, and when used as directed, would not be effective against all varieties of mange that infest hogs, and would not be effective against all vermin.

The information also charged a violation of the Food and Drugs Act (N.J. no. 21233). On November 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1297. Misbranding of Rabbit Supto. U. S. v. 40 Quart Cans of Rabbit Supto. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1654. Sample no. 36618-A.)

This case involved a product intended for use as a fungicide, the labeling of which bore unwarranted claims as to its effectiveness as a germicide, disinfectant, and deodorant. Examination also showed that the article was not nonpoisonous as claimed in the labeling.

On or about September 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed

in the district court a libel, and on October 10, 1933, an amended libel, praying seizure and condemnation of 40 quart cans of Rabbit Supto at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 15, 1933, by the Supto Manufacturing Co., from Des Moines, Iowa, and charging that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statements on the label, "Rabbit Supto is the greatest non-poisonous germicide disinfectant and deodorant ever produced. * * * Its action is positive and permanent and its penetrating ability unequaled. Directions For Use: As a general disinfectant, once a week spray the drain boards and about once a month give the hutch a thorough spraying. Remove the rabbits for about 24 hours to allow Supto to completely penetrate into floor", were false and misleading and tended to deceive and mislead the purchaser, since the article was not the greatest germicide, disinfectant, and deodorant ever produced, it was not nonpoisonous, its action was not permanent, and it would not disinfect when used as directed.

The libel charged a violation of the Food and Drugs Act, reported in notices of judgment published under that act. On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

1298. Misbranding of No-Mo. U. S. v. The Emeloid Co., Inc. Plea of guilty. Fine, \$25. (I. & F. no. 1669. Sample no. 43222-A.)

This case was based on a shipment of a product intended for use as a moth repellent and preventive. Examination showed that the article, when used as directed, was valueless for such purposes.

On December 18, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Emeloid Co., Inc., Arlington, N. J., alleging shipment by said company, on or about May 9, 1933, from the State of New Jersey into the State of New York, of a quantity of "No-Mo", which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the following statements, "No-Mo Keeps Moths Away. It can be used all year around. Will cedarize 75 cu. ft. of space. No-Mo can be used in the closet or storeroom. Makes your closet a cedar chest. Directions—Remove metal cap from the bottle. Then place the bottle in an inverted position so that the wick is between the neck of the bottle and the felt pad. * * * No-Mo Keeps Moths Away. Uses No-Mo Makes your closet a cedar chest. Moths cannot stand the No-Mo odor. They won't lay eggs in the closet where No-Mo is installed. No-Mo will cedarize 75 cu. ft. of space. Directions Just place No-Mo on the floor or attach it to the baseboard of the closet. No-Mo placed in the closet, storeroom, or storage trunk, will protect your clothing from moths", appearing in the labeling, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article, when used as directed, would not keep moths away, and would not protect clothing from moths.

On January 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1299. Adulteration and misbranding of liquor cresolis compositus. U. S. v. Clifton Chemical Co. Plea of guilty. Fine, \$40 on each count. Sentence suspended as to all counts but first. (I. & F. no. 1606. Sample nos. 6076-A, 10183-A. Dom. nos. 39532, 49704.)

This case was based on interstate shipments of a product represented to be liquor cresolis compositus of United States Pharmacopoeial standard in which other fatty material had been substituted in part for linseed oil.

On July 25, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Clifton Chemical Co., a corporation, New York, N. Y., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about February 5, February 8, April 23, and May 14, 1932, from the State of New York into the States of New Jersey, Maryland,

Connecticut, and Missouri, respectively, of quantities of liquor cresolis compositus which was adulterated and misbranded. Portions of the article were labeled in part: "Cresol Compound U. S. P. (Liquor Cresolis Comp.)." One shipment was labeled in part: "Liquor Cresolis Compositus U. S. P."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain the ingredients and the proportions of ingredients specified for liquor cresolis compositus in the United States Pharmacopoeia; whereas it did not (since other fatty material had been substituted for linseed oil, one of the ingredients specified in the pharmacopoeia). Adulteration was alleged for the further reason that other fatty material had been substituted for linseed oil.

Misbranding was alleged for the reason that the statements, "Cresol Compound U. S. P. (Liquor Cresolis Comp.)" with respect to portions of the article, and the statement, "Liquor Cresolis Compositus U. S. P.", with respect to the remainder, borne on the drum labels, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that the said statements represented that the article complied with the requirements of the United States Pharmacopoeia for liquor cresolis compositus; whereas it did not, since other fatty material had been substituted for linseed oil, one of the ingredients specified in the said pharmacopoeia.

On August 14, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$40 on each of the eight counts of the information and ordered that sentence be suspended on all counts but the first, during the lawful conduct of its business affairs by the defendant.

M. L. WILSON, *Acting Secretary of Agriculture.*

1300. Adulteration and misbranding of Enz-Odr. U. S. v. Republic Chemical Co., Inc. Plea of guilty. Fine, \$25. (I. & F. no. 1656. Sample no. 26765-A.)

This case was based on an interstate shipment of Enz-Odr, the labels of which bore false and misleading claims as to its effectiveness as a deodorizing and disinfecting agent, and as a control for certain insects. The labeling was further objectionable, since the article contained a smaller proportion of active ingredients and a greater amount of inert ingredients than declared; the inert ingredients were not plainly and correctly stated as required by law, and the article was not nonpoisonous and harmless, as claimed.

On November 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Republic Chemical Co., Inc., Chicago, Ill., alleging shipment by said company on or about May 10, 1932, from the State of Illinois into the State of Ohio, of a quantity of Enz-Odr, which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statements, "Active Ingredients 8.56% Inert Ingredients 91.44%", borne on the bottle label, represented that its standard and quality were such that it contained active ingredients, i. e., substances that prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not less than 8.56 percent, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 91.44 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 8.56 percent of active ingredients, and more than 91.44 percent of inert ingredients.

Misbranding was alleged for the reason that the statements, "Contents 1 Gallon Active Ingredients 8.56% Inert Ingredients 91.44%", borne on the bottle label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article contained less than 8.56 percent of active ingredients, more than 91.44 percent inert ingredients, and the bottles contained less than 1 gallon of the article.

Misbranding was alleged for the further reason that certain statements appearing on the bottle label and in a circular shipped with the article were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article was a disinfectant and was nonpoisonous and harmless; that

when used as directed, it would end odors; would disinfect homes, theaters, hospitals, and public buildings; would freshen the atmosphere and would destroy fetid body odors and those resulting from cooking, tobacco, gasoline, chlorine, naphtha, congregations, excretions, decaying animal or vegetable matter, etc.; would destroy, prevent, or absorb the odors of cooking; would keep refrigerators sanitary and odorless; would insure freshness and sanitation to nurseries; would render soiled or musty mattresses odorless or sanitary; would destroy odors of vomiting, and insure pure, odorless air; would keep the atmosphere in sick rooms odorless and fresh, and would destroy odors associated with sick rooms; would control offensive odors of leucorrhea; would destroy odors in the atmosphere of bathrooms, would keep toilets, bathrooms, and sinks odorless, and would act as an effective disinfectant in drains and around the base of the bowl; would keep the air in lockers, rest rooms, and Turkish baths and the receptacles therein fresh and odorless; would destroy the odors of garbage cans, and would check the breeding of all vermin therein; would eliminate odors in outhouses, catch basins, and cesspools, and would prevent the breeding of all vermin and all insects therein; would destroy and prevent musty and other obnoxious odors in cellars and musty rooms, and would prevent the breeding of all vermin and all insects; would prevent and destroy odors in kennels, stables, manure piles, refuse heaps, and prevent the breeding of flies therein; would destroy all odors or completely clean the air in smoking rooms, billiard halls, shooting galleries, etc.; would destroy or prevent all odors; would make the air fresh and odorless as an ocean breeze; would disinfect and would insure a healthy, odorless telephone mouthpiece, would prevent disease, would keep the home odorless at all times, would disinfect kennels and cages, would prevent the spreading of disease germs; would keep the air pure and sanitary, would promote health and insure sanitation, and that it was recommended by health authorities and doctors, and would prevent the breeding of all vermin; whereas the article was not a disinfectant, was not nonpoisonous and harmless, and when used as directed would not be effective for the purposes claimed.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, namely, substances other than zinc chloride, glycerin, and borax, and the name and percentage amount of each inert substance so present in the article were not stated plainly and correctly on the bottle label; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances present in the article, stated plainly and correctly on the said label.

On January 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1301. Misbranding of Du-Rite Coal Tar Disinfectant. U. S. v. Harley Soap Co., Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1663. Sample no. 37571-A.)

This case was based on an interstate shipment of a product which was a fungicide within the meaning of the law and which contained an undeclared inert ingredient.

On November 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Harley Soap Co., Inc., Philadelphia, Pa., alleging shipment by said company, on or about March 16, 1933, from the State of Pennsylvania into the District of Columbia, of a quantity of Du-Rite Coal Tar Disinfectant which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that it consisted partially of an inert substance, water, that is to say, a substance that does not prevent, destroy, repel or mitigate fungi (bacteria), and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly, or at all, on the label borne on the drum containing the article; nor, in lieu thereof, were the names and percentage amounts of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances present, stated plainly and correctly, or at all, on the label.

On December 11, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1302. Misbranding of Odor-X. U. S. v. 7 Cartons of Odor-X. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1623. Sample no. 34208-A.)

Examination of the product Odor-X disclosed that the labeling contained unwarranted claims as to its effectiveness as a moth control and deodorizing agent.

On May 8, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 cartons, each containing 24 packages of Odor-X at Granite City, Ill., alleging that the article had been shipped in interstate commerce, on or about February 28, 1933, by the Real Exterminating Products Co., from St. Louis, Mo., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, "For Moths in Overstuffed Suites, * * * Clothes Closets", borne on the individual packages, and the statements, "For Moths in Overstuffed Furniture, Clothes Closets, * * * Etc. * * * Odor-X has been designed especially to overcome unpleasant odors. They do not, like so many other methods, merely perfume or cover up odors, it gets at the root of the trouble, dispels odors, corrects foul air. Odor-X is one of the cheapest and safest ways of insuring moth protection to garments and woolens", borne on the cartons, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it would not be effective against moths in overstuffed suites or against moths in clothes closets under all conditions; would not be effective against moths in all containers indicated by the abbreviation "etc."; it would merely cover up odors and would not get at the root of the trouble, would not dispel odors, would not correct foul air; and would not insure moth protection to garments and woolens under all conditions.

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

1303. Misbranding of Glidden Tik-Dip. U. S. v. The Glidden Co. Plea of nolo contendere. Fine, \$50. (I. & F. no. 1624. Sample no. 7195-A.)

This case involved a product intended for use in the control of insects. Examination showed that the article contained arsenic in combination, and that the label failed to declare the amount of the arsenic in water-soluble form, expressed as metallic arsenic, and also failed to declare the amount of the inert ingredient present.

On June 23, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glidden Co., a corporation, trading at New Orleans, La., alleging shipment by said company, on or about February 3, 1932, from the State of Louisiana into the State of Alabama, of a quantity of Glidden Tik-Dip, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that it contained arsenic in combination and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label affixed to the drum containing the article. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, and the name and percentage amount of the said inert substance so present in the article, were not stated plainly and correctly, or at all, on the label affixed to the drum; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substance present stated plainly and correctly, or at all, on the label.

On December 4, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1304. Misbranding of Ziratul. U. S. v. Bristol-Myers Co. Plea of guilty. Fine, \$100. (I. & F. no. 1605. Dom. no. 43608.)

This case was based on an interstate shipment of a product intended for use in the control of fungi (bacteria). Examination showed that the article

did not possess the germicidal and disinfecting properties claimed; that it contained an inert ingredient in excess of the amount declared on the label, and was mislabeled in other respects.

On April 7, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bristol-Myers Co., a corporation, Hillside, N. J., alleging shipment by said company, on or about September 17, 1931, from the State of New Jersey into the State of New York, of a quantity of Ziratol, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the statements, borne on the bottle label, "Glycerine 25% Wt. inert", "Ziratol * * * (Practically Non-Poisonous * * *)", and the statements contained in the circular shipped with the article, "Germicidal Strength—Extensive bacteriological investigations on many pathogenic organisms, including the resistant pus germ which in most cases is the cause of infection, have shown conclusively that Ziratol has high bactericidal value. * * * Ziratol is therefore, when considered in connection with its high germicidal power, an extremely Safe antiseptic and germicide for all purposes. * * * Economy of Use—Because of its germicidal activity, the cost of Ziratol per unit of germ-killing power is very low when compared with other antiseptics and germicides. * * * Ziratol has won a high place for itself in the esteem of the medical and dental professions, because of its unusual combination of high germicidal activity with low toxicity and virtual freedom from odor. It is, therefore, recommended with confidence in every condition where a safe, efficient antiseptic and germicide is indicated", and "Surgical Uses for Disinfecting Instruments—Use a 10% solution of Ziratol for disinfecting instruments. * * * Dental uses For Disinfecting Instruments— * * * Therefore it is an ideal germicide for disinfecting purposes, especially for burs, hypodermic needles and other delicate sharp-edged instruments. Use Ziratol in a 10% solution for this purpose, * * * For Disinfecting Purposes, a 10% solution is the minimum recommended. Extremely cold water may produce a cloudy solution but this does not impair the activity of Ziratol", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article contained more than 25 percent of glycerin; it was not practically nonpoisonous; it did not possess high germicidal activity, and was not an effective disinfectant for surgical and dental instruments or for all other disinfecting purposes in a 10 percent solution; and the activity of the article would be impaired by the presence of cold water.

On October 19, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

1305. Misbranding of Cedarome. U. S. v. The N-R-G Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 1604. Sample no. 8615-A.)

This case was based on a shipment of Cedarome contained in packages attached to cards, which bore false and misleading claims as to its effectiveness as a disinfecting and deodorizing agent, and as a control for certain insects. The article contained an inert ingredient which was not declared on the label as required by law.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the N-R-G Products Co., a corporation, Chicago, Ill., alleging shipment by said company on or about March 30, 1932, from the State of Illinois into the State of Pennsylvania, of a quantity of Cedarome, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was misbranded in that the following statements borne on the card, "Germ * * * Chaser * * * Placed in Bathroom, Children's Room Toilet, Musty Basement or Closet it disinfects, and removes odors * * * Moth-Killer * * * and Insect Chaser Makes every Wardrobe, Trunk, Dresser, a Cedar Chest * * * Protect Parlor Suites from moths by placing Cedarome under Cushions. Cedarome also drives away Flies, Roaches, Ants, Gnats, Mosquitoes, Crickets and other insects.

Guaranteed effective for four months to eight months", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser; since the article, when used as directed, would not repel germs, would not disinfect, would not remove odors, would not be an effective control for moths under all conditions, would not repel all insects, would not make every wardrobe, trunk, and dresser a cedar chest, would not protect parlor suites from moths, and would not drive away flies, roaches, ants, gnats, mosquitoes, crickets, and other insects.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, paraffin, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance present in the article were not stated plainly and correctly, or at all, on the cards attached to the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance or ingredient so present stated plainly and correctly, or at all, on the said cards.

On December 13, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1306. Adulteration and misbranding of Pine - O - Sap. U. S. v. G. D. Searle & Co. Plea of guilty. Fine, \$25. (I. & F. no. 1633. Sample no. 28981-A.)

This case involved a pine oil preparation intended for use in the control of fungi (bacteria). Examination showed that the article contained less pine oil than declared; that the label bore unwarranted claims as to its effectiveness as a disinfecting agent, also that the label failed to declare the presence of water, an inert ingredient.

On September 22, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. D. Searle & Co., a corporation, Chicago, Ill., alleging shipment by said company on or about December 29, 1932, from the State of Illinois into the State of Missouri, of a quantity of Pine-O-Sap which was an adulterated and misbranded fungicide, within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statement, "Pine-O-Sap (Searle) is a thoroughly saponified product, 60% of which is high grade steam distilled Pine Oil produced under a strict system of chemical control", borne on the label, represented that the standard and quality of the article were such that it contained not less than 60 percent of pine oil; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 60 percent of pine oil.

Misbranding was alleged for the reason that the statements, "Pine-O-Sap (Searle) is a thoroughly saponified product, 60% of which is high grade steam distilled Pine Oil produced under a strict system of chemical control", "Suitable for general use such as the disinfection of instruments * * * drains", and "Disinfectant * * * One teaspoonful to a pint of water may be used as a douche and as a mouth wash or gargle", borne on the bottle labels, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it contained less than 60 percent of pine oil, it would not be suitable for the disinfection of instruments and drains, and would not act as a disinfectant when used as a douche, or as a mouth wash or gargle.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, and the name and percentage amount of the said inert substance were not stated plainly and correctly on the bottle label; nor, in lieu thereof, were the names and percentage amounts of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients present in the article, stated plainly and correctly on the label.

On December 15, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1307. Misbranding of Fragrance Crystals. U. S. v. 20 Dozen Packages of Fragrance Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 1634. Sample no. 36797-A.)

This case involved a product subject to the provisions of the Insecticide Act of 1910, in which the net weight of the contents of the packages was found to be less than 3 ounces, the weight declared on the label.

On June 29, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 dozen packages of Fragrance Crystals at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about April 24, 1933, by the Embree Manufacturing Co., from Elizabeth, N.J., and charged misbranding in violation of the Insecticide Act of 1910. The article was labeled in part: "Fragrance Crystals * * * Net weight 3 ozs. when packed."

It was alleged in the libel that the article was misbranded in that it was in package form and the quantity of the contents were stated in terms of weight, and were not plainly and correctly stated on the outside of the package. On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

1308. Misbranding of Car-O-Ite. U. S. v. Carman-Roberts Co. Inc. Plea of nolo contendere. Fine, \$10 and costs. (I. & F. no. 1662. Sample no. 40115-A.)

This case involved a shipment of Car-O-Ite, a product intended for use as a fungicide, which contained inert ingredients that were not plainly and correctly stated on the label.

On November 17, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carman-Roberts Co., Inc., trading at Pittsburgh, Pa., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about June 7, 1933, from the State of Pennsylvania into the State of Ohio of a quantity of Car-O-Ite which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that it consisted partially of inert substances, i.e., substances other than sodium hypochlorite, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each and every inert substance so present were not stated plainly and correctly, or at all, on the label affixed to the carboy containing the article; nor, in lieu thereof, were the name and percentage amount of the substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the said inert substances, stated plainly and correctly, or at all, on the label.

On December 8, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

1309. Adulteration and misbranding of the Belmont Germicidal Soap. U. S. v. Fred Harlow Smith (The Belmont Co.). Plea of nolo contendere. Fine, \$8. (I. & F. no. 1649. Sample no. 34580-A.)

This case was based on an interstate shipment of a product which was represented to be a germicidal soap containing mercuric iodide. Examination showed that the article contained no mercuric iodide; that the labeling bore false and misleading claims as to its effectiveness as a germicidal and sterilizing agent, and that it contained undeclared inert ingredients.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred Harlow Smith, trading as the Belmont Co., Springfield, Mass., alleging shipment by said company, on or about February 17, 1933, from the State of Massachusetts into the State of Maine, of a quantity of the Belmont Germicidal Soap which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statements, "The Belmont Germicidal Soap Mercuric Iodide * * * The powerful germicidal properties of Mercuric Iodide are remarkably effective

in the Belmont Germicidal Soap", borne on the wrappers, represented that the article contained mercuric iodide as one of its ingredients, whereas it did not contain mercuric iodide as one of the ingredients, but other substances had been substituted wholly for mercuric iodide.

Misbranding was alleged for the reason that the statements, "The Belmont Germicidal Soap Mercuric Iodide * * * The powerful germicidal properties of Mercuric Iodide are remarkably effective in the Belmont Germicidal soap. * * * For the sterilization of instruments, cleansing of wounds, washing the hands before and after operating, and sterilizing the field of operation. * * * the active germicide reaches the seat of infection", borne on the wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not contain mercuric iodide as an ingredient, would not act as a germicide, and would not be effective in the sterilization of instruments and the field of operation.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, i. e., substances that do not prevent, destroy, repel or mitigate fungi, and the name and percentage amount of each inert substance present in the article were not stated plainly and correctly, or at all, on the wrapper label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances present in the article, stated plainly and correctly on the said wrappers.

The information also charged a violation of the Food and Drugs Act, reported in notices of judgment published under that act. On February 12, 1934, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$8, for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1310. Misbranding of Justrite Antiseptic Bird Wash. U. S. v. The Justrite Co. Plea of guilty. Fine, \$37.50. (I. & F. no. 1661. Sample no. 10120-A.)

This case was based on the interstate shipment of a product, the labels of which bore false and misleading claims as to its effectiveness as an antiseptic, and as a control for certain insects. The article contained an inert ingredient which was not declared as required by law.

On November 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Justrite Co., a corporation trading at Jersey City, N.J., alleging shipment by said company in violation of the Insecticide Act of 1910, or on about September 9, 1932, from the State of New Jersey into the State of New York, of a quantity of Justrite Antiseptic Bird Wash, which was misbranded.

It was alleged in the information that the article was misbranded in that the statements, "Antiseptic Bird Wash A necessary antiseptic * * * Once a week put Justrite Antiseptic Bird Wash in Bath Water. Dose In small Bath Dish ½ teaspoonful In large Bath Dish 1 teaspoonful. In Bath House 1 teaspoonful Drinking Justrite Antiseptic Bird Wash is healthful to bird. * * * An Antiseptic * * * helps to keep birds free from lice, mites and vermin", borne on the labeling, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when used as directed, would act as an antiseptic, and would be effective against lice, mites, and vermin; whereas the article, when used as directed, would not act as an antiseptic, and would not be effective against lice, mites, and vermin.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, i. e., a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance present in the article were not stated plainly and correctly, or at all, on the bottle or carton labels; nor in lieu thereof, were the names and percentage amounts of each substance of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients present in the article, stated plainly and correctly on the labels.

The information also charged a violation of the Food and Drugs Act, reported in notices of judgment published under that act. On February 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$37.50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1311. Adulteration and misbranding of Cloros Dry Bordo. U. S. v. Lucas Kil-Tone Co. Plea of guilty. Fine, \$200. (I. & F. no. 1650. Sample nos. 26487-A, 32640-A, 39303-A.)

This case was based on three interstate shipments of a product which was represented to be pure Bordeaux mixture but which was adulterated with siliceous material. The article, when used on vegetation as directed or implied in the labeling, would be injurious to certain types of vegetation.

On October 30, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lucas Kil-Tone Co., a corporation, Vineland, N. J., alleging shipment by said company on or about December 9, 1932, from the State of New Jersey into the State of South Carolina, on or about February 15, 1933, from the State of New Jersey into the District of Columbia, and on or about April 14, 1933, from the State of New Jersey into the State of Georgia, of quantities of Cloros Dry Bordo, which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

It was alleged in the information that the article was adulterated in that the statement, "Cloros Dry Bordo", borne on the label of the bags containing the article, represented that it consisted entirely of Bordeaux, whereas it did not consist entirely of Bordeaux, but a substance, siliceous material, had been substituted in part for Bordeaux. Adulteration was alleged for the further reason that the article was intended for use on vegetation, and when used on vegetation as directed on the label would be injurious to such vegetation.

Misbranding was alleged for the reason that the statements "Cloros Dry Bordo—This Green Cross Dry Bordo dust may be used to mitigate many plant diseases affected by copper sprays. [In certain shipments the statement appeared as "This green cross dry powder may be used to mitigate many plant diseases affected by copper sprays.]" * * * Not to be used on Peaches or Japanese Plum foliage, nor for late Spring or early Summer applications on apples", borne on the labels of the bags, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article consisted entirely of Bordeaux, and, when used as directed on the label, could safely be so used on apple trees for middle and late summer applications; whereas the article did not consist entirely of Bordeaux, and, when used as directed on the label, could not safely be so used on apple trees for middle and late summer applications.

On January 26, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 1296-1311

| | | | |
|----------------------------------|----------|------------------------------|----------|
| Belmont Germicidal Soap: | N.J. No. | Liquor Cresolis Compositus: | N.J. No. |
| Belmont Co.----- | 1309 | Clifton Chemical Co.----- | 1299 |
| Smith, F. H.----- | 1309 | No-Mo: | |
| Car-O-Ite: | | Emeloid Co., Inc.----- | 1298 |
| Carman-Roberts Co., Inc.----- | 1308 | Odor-X: | |
| Cedarome: | | Real Exterminating Products | |
| N-R-G Products Co.----- | 1305 | Co.----- | 1302 |
| Cloros Dry Bordo: | | Pine-O-Sap: | |
| Lucas Kil-Tone Co.----- | 1311 | Searle, G. D., & Co.----- | 1306 |
| Du-Rite Coal Tar Disinfectant: | | Rabbit-Supto: | |
| Harley Soap Co., Inc.----- | 1301 | Supto Manufacturing Co.----- | 1297 |
| Enz-Odr: | | Tarolifectant: | |
| Republic Chemical Co., Inc.----- | 1300 | Sioux Oil Tar Disinfecting | |
| Fragrance Crystals: | | Co.----- | 1296 |
| Embree Manufacturing Co.----- | 1307 | Ziratul: | |
| Glidden Tik-Dip: | | Bristol-Myers Co.----- | 1304 |
| Glidden Co.----- | 1303 | | |
| Justrite Antiseptic Bird Wash: | | | |
| Justrite Co.----- | 1310 | | |

